REMARKS

Reconsideration and allowance are respectfully requested.

Claims 1-15 are pending. The amendments are supported by the disclosure as originally filed and, thus, no new matter has been added. For example, original claim 7 and page 6, lines 7-21, of the specification supports amended claim 7. New claims 14-15 are based on original claims 1 and 8, which are limited to interferon and PEG.

Non-elected claims 11 and 13 were withdrawn from consideration by the Examiner pending an indication that a generic or linking claim is allowable. It is indicated on page 2 of the Action that Veronese et al. (WO 91/01758) "can be applied to the first named invention" but this allegation appears to be contradicted by the statement on page 4 of the Action that Veronese et al. "[does] not read on the instant Claims because they do not recite the dipeptide linker (eg., Met-Nle, Met-Gly, Gln-Gly or Asp-Pro) recited in the claims." Applicants submit that the Examiner's search should be extended to the full scope of the claims because the elected species (i.e., interferon, PEG and Met-Nle) were not found in the initial search.

Although Applicants do not agree that examination in this application should be limited to the elected species, the title has been amended as suggested by the Examiner to advance prosecution in this matter. She is requested to reconsider the objection upon allowance of a generic claims commensurate in scope with the original claims.

Claim Objection

Claims 1 and 6-8 were objected to by the Examiner. As noted above, the elected species were not found in the prior art search. Therefore, the Examiner's search should be extended to the full scope of the claimed invention: i.e., radicals of biologically active molecules, functionalizing entities, and linking arms as listed in the claims. Limiting the claims to the elected species is premature because there is no evidence of record that the genus is found in the prior art. These claims are proper generic or linking claims.

Withdrawal of the objection is requested.

35 U.S.C. 112 – Definiteness

Claims 1 and 7 were rejected under Section 112, second paragraph, as being allegedly "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Applicants traverse.

It was alleged that recitation of "active, positive steps" is required for a method/ process. Claim 7 has been amended in accordance with the Examiner's suggestion. But with respect to claim 1, amendment is not required because it is directed to a product.

Applicants request withdrawal of the Section 112, second paragraph, rejection because the pending claims are clear and definite.

Conclusion

The claimed invention is directed to (1) a biologically active conjugate derivative wherein the linking arm comprises a dipeptide selected from Met-Nle, Met-βAla, Gln-Gly, and Asp-Pro, as recited in claim 1; (2) a method for identifying linkage sites in such biologically active conjugate derivatives, as recited in claim 7; and (3) an intermediate compound for preparing such biologically active conjugate derivatives, as recited in claim 8. Applicants' dipeptide linker is novel and nonobvious over the prior art (e.g., Veronese et al. and Sartore et al.) and, therefore, the claims are allowable.

Having fully responded to all of the pending objections and rejections contained in the Office Action (Paper No. 11), Applicants submit that the claims are in condition for allowance and earnestly solicit an early Notice to that effect. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

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